

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : 3:18-cr-00281  
:   
v. : (Judge Brann)  
:   
JEFFREY G. BOYD : (Electronically Filed)

MOTION TO DISMISS THE INDICTMENT

AND NOW comes defendant Jeffrey G. Boyd, by his attorney, Elliot A. Smith, Assistant Federal Public Defender, filing this Motion to Dismiss the Indictment, based on the following:

1. On August 21, 2018, a grand jury indicted Mr. Boyd on one count.
2. Mr. Boyd entered a plea of not guilty on August 27, 2018.
3. The grand jury has charged Mr. Boyd with a violation of 18 U.S.C. § 922(g)(8).
4. For the reasons set forth in the Brief accompanying this Motion, 18 U.S.C. § 922(g)(8) is unconstitutional as applied to Mr. Boyd.

WHEREFORE, the defendant, Jeffrey G. Boyd, asks this Court (i) to set this case down for an evidentiary hearing outside the presence of the jury and (ii) dismiss the indictment.

Respectfully submitted,

Date: December 6, 2018

s/ Elliot A. Smith  
Elliot A. Smith  
Assistant Federal Public Defender  
Attorney ID No. NY 5073275

201 Lackawanna Avenue, Suite 317  
Scranton, Pennsylvania 18503  
(570) 343-6285  
Fax: (570) 343-6225  
Email: [elliot\\_a\\_smith@fd.org](mailto:elliot_a_smith@fd.org)

Attorney for Jeffrey G. Boyd

**CERTIFICATE OF SERVICE**

I, Elliot A. Smith, Assistant Federal Public Defender, do hereby certify that this document, the foregoing Motion to Dismiss the Indictment, filed electronically through the ECF system, will be sent to the registered Participants as identified on the Notice of Electronic Filing, including the following:

Michelle Olshefski  
Assistant United States Attorney

and sent to the defendant by placing the same in the United States mail, first class, postage prepaid, at Scranton, Pennsylvania, addressed to the following:

Jeffrey G. Boyd

Date: December 6, 2018

s/ Elliot A. Smith  
Elliot A. Smith  
Assistant Federal Public Defender